



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002016-WO		FOR FURTHER ACTION	See Form PCT/PEA/416
International application No. PCT/DK2004/000084	International filing date (day/month/year) 04.02.2004	Priority date (day/month/year) 04.02.2003	
International Patent Classification (IPC) or national classification and IPC A61F5/445			
Applicant COLOPLAST AS ET AL.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 2 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 30.11.2004		Date of completion of this report 02.02.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Neumann, E Telephone No. +31 70 340-3028 	

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/DK2004/000084

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-10 as originally filed

Claims, Numbers

1-10 received on 05.01.2005 with letter of 05.01.2005

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-5 755 514 (BAAR-BARTELT REINHOLD) 26 May 1998 (1998-05-26)

D2: US-A-5 135 519 (HELMER BRADLEY G) 4 August 1992 (1992-08-04)

D3: DE 297 03 223 U (RIESINGER HANS DIETER) 15 May 1997 (1997-05-15)

2.1 The document D3 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (see page 2, lines 34 -37; page 4, line 26 -page 5, paragraph 2; figures 1, 2):

A package comprising a ostomy receiving appliance and a bag (10,20) for disposing a used ostomy receiving appliance, the bag (10,20) defining a first and a second compartment (5.1-5.8), the bag having an open end and a cavity (see fig.2).

2.2 The subject-matter of claim 1 differs from this known document D3 in that

the cavity defining the second compartment is sealable so as to confine the used ostomy receiving appliance and the bag is folded so as to define the first compartment and wherein the ostomy receiving appliance is accommodated in the first compartment.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

2.3 The problem to be solved by the present invention may be regarded as

a device of disposing used ostomy appliances (see description page 2, paragraph 2)

2.4 The solution to this problem proposed in claim 1 the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

None of the present documents disclose a package being folded to dispose used ostomy appliances.

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Claims 2 - 6 dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

3.1 Document D3 is regarded as being the closest prior art to the subject-matter of claim 7 and shows (see page 2, lines 34 -37; page 4, line 26 -page 5, paragraph 2; figures 1, 2):

A method of producing a package comprising a ostomy receiving appliance and a bag (10,20) *suitable* for disposing a used ostomy receiving appliance, the bag defining a first and a second compartment (5.1-5.8), the bag having an open end and a cavity (see fig.2).

3.2 The subject-matter of claim 7 differs from this known document D2 in that

the cavity defines the second compartment which is sealable so as to confine the used ostomy receiving appliance, the bag being folded so as to define the first compartment and the ostomy receiving appliance being accommodated in the first compartment, the method comprising the steps of:

placing an ostomy receiving appliance on a bag, and then folding the bag so as to define the first compartment.

The subject-matter of claim 7 is therefore new (Article 33(2) PCT).

3.3 The problem to be solved by the present invention may be regarded as

a method of disposing used ostomy appliances (see description page 2, paragraph 2)

The solution to this problem proposed in claim 7 the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

None of the present documents discloses a method of folding a bag containing an ostomy appliance.

Claims 8 - 10 dependent on claim 7 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

IAP9 Rec'd PCT/PTO 31 JAN 2005

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Amended Claims

1. A package comprising a ostomy receiving appliance and a bag for disposing a used ostomy receiving appliance, the bag defining a first and a second compartment, the bag having an open end and a cavity, the cavity defining the second compartment which is sealable so as to confine the used ostomy receiving appliance, wherein the bag is folded so as to define the first compartment and wherein the ostomy receiving appliance is accommodated in the first compartment.
2. A package according to claim 1, wherein the folded bag defines at least three folded edges.
3. A package as claimed in claim 1 or 2, wherein the bag has a first wall and a second wall and edges connecting a closed end and the open end of the bag, wherein the edges are folded so as to cover each a longitudinal strip of the first wall, said bag subsequently is folded so that the closed end of the first wall is parallel to the open end of the first wall to form the first compartment.
4. A package as claimed in any of the preceding claims, wherein the closed end of the bag, in its folded position, leaves a part of the open end of the bag free as a flap capable of covering the inlet opening of the compartment.
5. A package as claimed in claim 4, wherein the flap and the outer surface of the second wall forming the first compartment are provided with means for releasable attachment of the flap to the surface of the wall.
6. A package as claimed in any of the preceding claims, wherein the bag is made from a material being substantially impervious to odour.
7. A method of producing a package comprising a ostomy receiving appliance and a bag for disposing a used ostomy receiving appliance, the bag defining a first and a second compartment, the bag having an open end and a cavity, the

cavity defining the second compartment which is sealable so as to confine the used ostomy receiving appliance, the bag being folded so as to define the first compartment and the ostomy receiving appliance being accommodated in the first compartment, the method comprising the steps of:

- 5 - placing an ostomy receiving appliance on a bag, and then
 - folding the bag so as to define the first compartment.

8. A method according to claim 7, wherein the bag has a first wall and a second wall and edges connecting a closed end and the open end of the bag, wherein
10 the edges are folded so as to cover each a longitudinal strip of the first wall and a part of the ostomy receiving appliance and wherein the step of folding comprises the step of folding the closed end of the first wall of said bag so that is parallel to the open end of the first wall and covers the folded strips and the ostomy receiving appliance to form the first compartment.

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9. A method as claimed in claim 8, wherein the closed end of the bag, in its folded position, leaves a part of the open end of the bag free as a flap which is then folded to cover the inlet opening of the first compartment.

- 20 10. A method as claimed in claim 8 or 9, wherein the flap is secured to the outer surface of the second wall for closing the first compartment by means for releasable attachment of the flap to the surface of the wall.

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